

"(1) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the date of the enactment of this paragraph; and

"(2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in paragraph (1) and the cash wage in effect under section 6(a)(1). The additional amount on account of tips may not exceed the value of the tips actually received by an employee."

(c) OPPORTUNITY WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(g)(1) In lieu of the rate prescribed by subsection (a)(1), any employer may pay any employee of such employer, during the first 90 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than \$4.25 an hour.

"(2) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1).

"(3) Any employer who violates this subsection shall be considered to have violated section 15(a)(3).

"(4) This subsection shall only apply to an employee who has not attained the age of 20 years."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The SPEAKER pro tempore, Mr. WALKER, announced that pursuant to House Resolution 440 the yeas and nays were ordered on the question of passage, and the call was taken by electronic device.

It was decided in the { Yeas ..... 414  
affirmative ..... { Nays ..... 10

¶62.26 [Roll No. 190]  
YEAS—414

Abercrombie	Brown (OH)	Crapo
Ackerman	Brownback	Creameans
Allard	Bryant (TN)	Cubin
Andrews	Bryant (TX)	Cummings
Archer	Bunn	Cunningham
Arney	Bunning	Danner
Bachus	Burr	Davis
Baessler	Burton	de la Garza
Baker (CA)	Buyer	Deal
Baker (LA)	Callahan	DeFazio
Baldacci	Calvert	DeLauro
Ballenger	Camp	DeLay
Barcia	Campbell	Deutsch
Barr	Canady	Dickey
Barrett (NE)	Cardin	Dicks
Barrett (WI)	Castle	Dingell
Bartlett	Chabot	Dixon
Barton	Chambliss	Doggett
Bass	Chapman	Doolley
Bateman	Chenoweth	Doolittle
Becerra	Christensen	Dornan
Beilenson	Chrysler	Doyle
Bentsen	Clay	Dreier
Bereuter	Clayton	Duncan
Berman	Clement	Dunn
Bevill	Clinger	Durbin
Bilbray	Clyburn	Edwards
Bilirakis	Coble	Ehlers
Bishop	Coburn	Ehrlich
Blute	Coleman	Emerson
Boehlert	Collins (GA)	Engel
Boehner	Collins (IL)	English
Bonilla	Collins (MI)	Ensign
Bonior	Combest	Eshoo
Bono	Condit	Evans
Borski	Coolley	Everett
Boucher	Costello	Ewing
Brewster	Cox	Farr
Browder	Coyne	Fattah
Brown (CA)	Cramer	Fawell
Brown (FL)	Crane	Fazio

Fields (LA)  
Fields (TX)  
Filner  
Flake  
Flanagan  
Foglietta  
Foley  
Forbes  
Ford  
Fowler  
Fox  
Frank (MA)  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Frost  
Funderburk  
Furse  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Geren  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Green (TX)  
Greene (UT)  
Greenwood  
Gundersen  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hancock  
Hansen  
Harman  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hefner  
Heineman  
Herger  
Hilleary  
Hilliard  
Hinchey  
Hobson  
Hoekstra  
Hoke  
Holden  
Horn  
Hostettler  
Houghton  
Hoyer  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jacobs  
Jefferson  
Johnson (CT)  
Johnson (SD)  
Johnson, E. B.  
Johnson, Sam  
Johnston  
Jones  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kim  
King  
Kingston  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe

LaFalce  
LaHood  
Lantos  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lofgren  
Longley  
Lowey  
Lucas  
Luther  
Maloney  
Manton  
Manzullo  
Markey  
Martinez  
Martini  
Mascara  
Matsui  
McCarthy  
McCollum  
McCrery  
McDermott  
McHale  
McHugh  
McInnis  
McIntosh  
McKeon  
McKinney  
McNulty  
Meehan  
Meek  
Metcalfe  
Meyers  
Mica  
Millender-  
McDonald  
Miller (CA)  
Miller (FL)  
Minge  
Mink  
Moakley  
Mollohan  
Montgomery  
Moorhead  
Moran  
Morella  
Murtha  
Myers  
Myrick  
Nadler  
Neal  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Orton  
Owens  
Oxley  
Packard  
Pallone  
Parker  
Pastor  
Paxon  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Pryce  
Quillen  
Quinn  
Radanovich  
Rahall

Ramstad  
Reed  
Regula  
Richardson  
Riggs  
Rivers  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Roybal-Allard  
Royce  
Rush  
Sabo  
Salmon  
Sanders  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaefer  
Schiff  
Schroeder  
Schumer  
Scott  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souders  
Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Stokes  
Studds  
Stump  
Stupak  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Tejeda  
Thomas  
Thompson  
Thornberry  
Thornton  
Thurman  
Tiahrt  
Torkildsen  
Torres  
Torricelli  
Traficant  
Upton  
Vento  
Visclosky  
Volkmer  
Walker  
Walsh  
Wamp  
Waters  
Watt (NC)  
Watts (OK)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Williams  
Wilson  
Wise  
Wolf  
Woolsey  
Wynn  
Yates  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

NAYS—10

Conyers	Rangel	Towns
Dellums	Rose	Velazquez
Gutierrez	Serrano	
Menendez	Stark	

NOT VOTING—9

Bliley	McDade	Taylor (NC)
Diaz-Balart	Molinari	Vucanovich
Largent	Seastrand	Ward

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.27 ORDER OF BUSINESS—  
CONSIDERATION OF H.R. 1227

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That it may be in order during consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, pursuant to House Resolution 440, notwithstanding the order of the previous question, after 30 minutes of the 90 minutes provided for initial debate on the bill, as amended pursuant to the rule, for the Speaker to postpone further consideration of the bill until the following legislative day, on which consideration may resume at a time designated by the Speaker.

¶62.28 HOUR OF MEETING

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 9:00 o'clock a.m. on Thursday, May 23, 1996.

¶62.29 PORTAL-TO-PORTAL

Mr. GOODLING, pursuant to House Resolution 440, called up the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

When said bill was considered and read twice.

Pursuant to House Resolution 440, the following amendment in the nature of a substitute, as modified by the amendment printed in section 3 of said resolution, was considered as adopted:

SECTION 1. This Act may be cited as the "Employee Commuting flexibility Act of 1990".

SEC. 2. PROPER COMPENSATION FOR USE OF EMPLOYER VEHICLES.

Section 4(a) of the Portal-to-Portal Act of 1947 (29 U.S.C. 254(a)) is amended by adding at the end of the following: "For purposes of this subsection, the use of an employer's vehicle for travel by an employee and activities performed by an employee which are incidental to the use of such vehicle for commuting shall not be considered part of the employee's principal activities if the use of such vehicle for travel is within the normal commuting area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement on the part of the employer and the employee or representative of such employee."

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on the date of the enactment of this Act and shall apply in determining the

application of section 4 of the Portal-to-Portal Act of 1947 to an employee in any civil action brought before such date of enactment but pending on such date.

After debate,

The SPEAKER pro tempore, Mr. WALKER, pursuant to the special order heretofore agreed to, announced that further consideration of the bill was postponed.

#### ¶62.30 SUBPOENA

The SPEAKER pro tempore, Mr. WALKER, laid before the House the following communication from Mr. MCDADE:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 13, 1996.*  
Hon. NEWT GINGRICH,  
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Michael Russen, a Field Representative in my Scranton, Pennsylvania District Office has been served with a subpoena issued by the U.S. District Court for the Eastern District of Pennsylvania in the case of *United States v. McDade*.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOSEPH M. MCDADE,  
*Member of Congress.*

#### ¶62.31 NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE

The SPEAKER pro tempore, Mr. WALKER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE DEMOCRATIC LEADER,  
*Washington, DC, May 7, 1996.*  
Hon. NEWT GINGRICH,  
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to Section 637(b), Public Law 104-52, I hereby appoint the following individuals to the National Commission on Restructuring the Internal Revenue Service: Mr. Robert Matsui, California; Mr. George Newstrom, Virginia.

Yours very truly,

RICHARD A. GEPHARDT.

*Ordered.* That the Clerk notify the Senate of the foregoing appointments.

#### ¶62.32 NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE

The SPEAKER pro tempore, Mr. WALKER, pursuant to the provisions of section 637(b) of Public Law 104-52, as amended by section 2904 of Public Law 104-134, announced the Speaker appointed to the National Commission on Restructuring the Internal Revenue Service, the following Member, Mr. PORTMAN; and from private life, Mr. Ernest Dronenberg of California, Mr. Gerry Harkins of Georgia, and Mr. Grover Norquist of the District of Columbia, on the part of the House.

*Ordered.* That the Clerk notify the Senate of the foregoing appointments.

#### ¶62.33 ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1965. An Act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; and

H.R. 2066. An Act to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs.

#### ¶62.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BLILEY, for today.

And then,

#### ¶62.35 ADJOURNMENT

On motion of Mr. KINGSTON, pursuant to the special order heretofore agreed to, at 11 o'clock and 11 minutes p.m., the House adjourned until 9:00 a.m. on Thursday, May 23, 1996.

#### ¶62.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EWING:

H.R. 3503. A bill to amend the Internal Revenue Code of 1986 to prevent disqualification of low-income housing units for purposes of the low-income housing credit solely by reason of certain assignments of dependency deductions by full-time student single parents; to the Committee on Ways and Means.

By Mrs. VUCANOVIĆ (for herself, Mr. BAKER of California, Mr. BARTON of Texas, Mr. BURR, Mr. MYERS and Mr. POSHARD):

H.R. 3504. A bill to authorize the marketing of breast examination pads without restriction; to the Committee on Commerce.

By Mr. FARR (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. FAZIO of California, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. RICHARDSON, Mrs. KENNELLY, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BORSKI, Mr. BROWDER, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CARDIN, Mr. DELLUMS, Mr. DURBIN, Mr. ENGEL, Ms. ESHOO, Mr. FATTAH, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GEJDENSON, Mr. GREEN of Texas, Mr. GIBBONS, Mr. GUTIERREZ, Mr. HALL of Ohio, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. JACKSON-LEE, Mr. KENNEDY of Rhode Island, Mr. LAFALCE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mr. MANTON, Mr. MATSUI, Ms. MCCARTHY, Mr. McDERMOTT, Ms. MCKINNEY, Mr. MILLER of California, Mr. MINGE, Mr. MOAKLEY, Mr. MORAN, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. RAHALL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SKAGGS, Mr. SPRATT, Mr. STARK, Mr. STUDDS, Mr. STUPAK, Mrs. THURMAN, Mr. TORRES, Mr. VENTO, Ms. WATERS, Mr. WAXMAN, Mr. WISE, Ms. WOOLSEY, and Mr. YATES):

H.R. 3505. A bill to amend the Federal Election Campaign Act of 1971, and for other pur-

poses; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, Commerce, Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX (for himself, Mr. STUMP, Mr. MONTGOMERY, Mr. EVERETT, Mr. EVANS, Mr. HUTCHINSON, Mr. BUYER, Mr. FILNER, Mr. BILIRAKIS, Mr. CLEMENT, Mr. BACHUS, Mr. TEJEDA, Mr. STEARNS, Mr. GUTIERREZ, Mr. NEY, Mr. BAESLER, Mr. BARR, Mr. MASCARA, Mr. WELLER, Mr. HAYWORTH, and Mr. COOLEY):

H.R. 3506. A bill to amend title 38, United States Code, to authorize the provision of funds in order to provide financial assistance by grant or contract to legal assistance entities for representation of financially needy veterans in connection with proceedings before the U.S. Court of Veterans Appeals; to the Committee on Veterans Affairs.

By Mr. ARCHER (for himself, Mr. BLILEY, Mr. ROBERTS, Mr. SHAW, Mr. BILIRAKIS, Mr. EMERSON, Mr. CAMP, Mr. McCRERY, Mr. COLLINS of Georgia, Mr. ENGLISH of Pennsylvania, Mr. NUSSLE, Ms. DUNN of Washington, Mr. ENSIGN, Mr. LAUGHLIN, and Mr. DEAL of Georgia):

H.R. 3507. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence by requiring work, meet the health care needs of America's most vulnerable citizens, control welfare and Medicaid spending, and increase State flexibility; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, the Judiciary, National Security, International Relations, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mr. FROST, Mr. HUTCHINSON, Mr. NEY, Mr. McHUGH, Mr. CALVERT, Mr. FAZIO of California, Mr. WELDON of Florida, and Mr. HORN):

H.R. 3508. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

By Ms. FURSE:

H.R. 3509. A bill to provide for a report regarding the effects that environmental factors have on women's health; to the Committee on Commerce.

By Ms. FURSE:

H.R. 3510. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. FURSE, Mrs. SCHROEDER, Ms. ROYBAL-ALLARD, and Mr. LAFALCE):

H.R. 3511. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Government Reform and Oversight, Transportation and Infrastructure, and Economic and Educational Opportuni-